



**STATE OF DELAWARE  
DEPARTMENT OF AGRICULTURE  
DELAWARE HARNESS RACING COMMISSION  
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**Delaware Harness Racing Commission  
Minutes of Public Hearing & Regular Meeting  
April 12, 2011**

The Delaware Harness Racing Commission held a public hearing and regular meeting on Tuesday, April 12, 2011, at 10:15 a.m., in the Chesapeake Room at the Rollins Conference Center, located on the grounds of Dover Downs, 1131 N. DuPont Highway, Dover, Delaware 19903.

**The following Commission members were present:**

Beth Steele, Chairman
Robert Brown, Vice Chairman
George P. Staats, Commissioner
Larry Talley, Commissioner
Patt Wagner, Commissioner

**The following individuals also were present:**

Ed Kee, Delaware Secretary of Agriculture
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
Hugh Gallagher, DHRC, Administrator
Charles Lockhart, VP of Horse Racing, D. Downs
John Hensley, Sr. Dir., Horse Racing, D. Downs
Salvatore DiMario, Executive Director, DSOA
Scott Egger, Presiding Judge
Allen Cook, Associate Judge
Karen Craft, Facilities Manager, HRI
Judy Davis-Wilson, Executive Director, DSBF
Annie Renzetti, Commission Veterinarian

1. **WELCOME & CALL TO ORDER**

At 10:15 a.m. Chairman Steele called the meeting to order and welcomed those in attendance.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Staats) and seconded (Talley) minutes of February 8, 2011 were approved as submitted.

3. **OLD BUSINESS**

None offered.

4. **NEW BUSINESS**

A. **Harrington Officials**

Upon a motion duly made (Talley) and seconded (Staats) list of officials for the Harrington meet were approved as submitted.

5. **PUBLIC HEARING – PROPOSED RULE CHANGES**

At 10:21 a.m. Commission Counsel Kerber opened the public record for two proposed rule changes. Affidavits of publication from the News Journal and Independent News (Delaware State newspaper) were submitted. Verbatim testimony was recorded by Wilcox & Fetzer court reporter.

A. **DHRC Rule # 3.2.8.5** (proposed 4/1/2011 *Register of Regulations*)

The DHRC, pursuant to 3 Del.C. §10005, proposes to change rule # 3.2.8 entitled “Steward’s List” by deleting the last sentence of rule 3.2.8.5, as detailed below.

**3.2.8 Steward’s List**

3.2.8.5 No entry or declaration to start shall be accepted by any Association in this jurisdiction without having had a negative official test for equine infectious anemia within twelve (12) months. ~~(Except for in the case of paid events. In paid in events, no horse shall be admitted to any racetrack facilities in this jurisdiction without having had a negative official test for equine infectious anemia within twelve (12) months).~~

Upon a motion duly made (Talley) and seconded (Brown) the proposed changes to rule 3.2.8.5 were approved as submitted. Final rule to be published in the June 1 2011 *Register of Regulations*. Final Rule goes into effect on June 11, 2011.

B. **DHRC Rule # 8.3.7** (proposed 4/1/2011 *Register of Regulations*)

The DHRC, pursuant to 3 Del.C. §10005, proposes to change rule #8.3 entitled Medications and Foreign Substances, by inserting new rule # 8.3.7 entitled Anabolic / Androgenic Steroids, as detailed below.

**8.3 Medications and Foreign Substances**

**8.3.7 Anabolic / Androgenic Steroids**

8.3.7.1 With respect to Nandrolone, Boldenone, Stanozolol and testosterone in fillies, mares, geldings and ridgelings (testosterone and nandrolone in stud horse samples are treated separately in 8.3.7.2):

8.3.7.1.1 Any test result at plasma concentrations below 100 picograms per milliliter will be considered a negative test.

8.3.7.1.2 Any test result at plasma concentration levels at or above 100 picograms per milliliter will be considered a positive test result and subject to sanctions as described in Section 8.3.7.3.

8.3.7.2 With respect to nandrolone and testosterone levels determined in intact male horses:

**8.3.7.2.1 Nandrolone**

8.3.7.2.1.1 Any test result at plasma concentrations below 500 picograms per milliliter will be considered a negative test.

8.3.7.2.1.2 Any test result at and above plasma concentrations of 500 picograms per milliliter will be considered a positive test and subject to sanctions as described in Section 8.3.7.3.

**8.3.7.2.2 Testosterone**

8.3.7.2.2.1 Any test result at plasma concentrations below 2000 picograms per milliliter will be considered a negative test.

8.3.7.2.2.2 Any test result at and above plasma concentrations of 2000 picograms per milliliter will be considered a positive test and subject to sanctions as described in Section 8.3.7.3.

**8.3.7.2 Sanctions**

8.3.7.2.1 First Offense: The horse will be placed on the Vets List and cannot race again until it tests below 100 picograms for Boldenone, Stanozolol, Nandrolone and Testosterone in fillies, mares, geldings and ridgelings and 2000 picograms for Testosterone and 500 picograms for Nandrolone in intact males. Any and all purse money is forfeited. The trainer is notified for a hearing and a fine not to exceed \$1,500.00 and 15 days full suspension will be assessed absent mitigating circumstances.

8.3.7.2.2 Second Offense: All sanctions for First Offense, plus trainer may be fined not in excess of \$2,500.00 and subject to 30 days full suspension absent mitigating factors.

8.3.7.2.3 Third Offense: All sanctions for First Offense, plus trainer may be fined \$10,000.00 and/or up to the amount of the purse of the race and subject to revocation of their DHRC License absent mitigating factors.

8.3.7.2.4 Should a horse be claimed from a race where positive findings are confirmed, the claimant has the right to void the claim.

Off the record to deliberate:

Commissioner Talley: Discussed many times and received comment – thinks penalty is appropriate and is prepared to approve as proposed.

Vice-Chairman/Commissioner Brown: Read Canada and ARCI and is prepared to approve as proposed.

On the record:

Upon a motion duly made (Talley) and seconded (Brown) the proposed changes were approved as submitted. Final rule to be published in the June 1 2011 *Register of Regulations*. Final Rule goes into effect on June 11, 2011.

## **6. REPORTS: RACING ADMINISTRATOR AND VETERINARIAN**

### **A. Racing Administrator**

The educational workshop related to drug-usage in horse racing and significant discussion on the powers of detection from the laboratories. Mtg. called April 1<sup>st</sup> – Commissioner Wagner attended, Dr. Renzetti, Scott Egger, Sal DiMario, and majority of the DSOA board of directors. Transparent, open exchange of information and ideas. Everyone in attendance felt it was productive. . Joe Strug, Dr. Soma, and Dr. Ubo from the Chester lab led discussions. A lot of science in terms of the laymen – primarily for the horsemen for explanation of detection. Strictly science.

Mr. Lockhart asked why the entire industry wasn't invited. Secretary Kee replied that that was a good question – and probably was because it evolved out of one discussion and Secretary Kee said we'll make sure it doesn't happen in the future. Sal DiMario had invited Secretary Kee to a board meeting and Secretary Kee couldn't make the date so another date with DSOA board made at DDA and on the agenda was testing.

### **B. Veterinarian**

Dr. Renzetti reported a "rough" month in March – 2 horses died on the track during training: 1 w/colic and 1 qualifying suffered heart condition.

April just 1 injury at the gate; the horse skinned its knees and was off the track in the trainers trailer. Hugh Gallagher will pursue that issue with track management.

## **7. EXECUTIVE SESSION**

At 10:50 a.m., upon a motion duly made and seconded, the Commission was moved into executive session to discuss ongoing litigation.

At 12:33 p.m., the Commission was returned to public session.

## **8. ADJOURN**

At 12:40 p.m., the meeting was adjourned. The Commission will meet next on May 10, 2011.